

APPEAL NO. 031530
FILED AUGUST 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 20, 2003. The hearing officer determined that the respondent's (claimant) compensable right shoulder and lumbar spine injury of _____, extends to include an injury to the cervical spine.

The carrier appeals, contending that there was insufficient evidence to establish causation between the compensable injury and the cervical injury. The file does not contain a response from the claimant.

DECISION

Affirmed.

The claimant, a laborer, sustained a compensable right shoulder and low back injury on _____, when the rack that he was assembling slipped causing him to fall six to eight feet to the ground. The carrier has accepted a compensable right shoulder and low back injury. The medical evidence regarding whether the claimant also sustained a cervical injury in the fall is conflicting. Early records from the clinic where the claimant was sent do not mention a cervical injury. Other reports from the claimant's treating doctor, an orthopedic surgeon, and a required medical examination doctor do appear to attribute a cervical injury to the fall.

Whether the claimant's compensable injury included the alleged cervical condition was a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Robert W. Potts
Appeals Judge